

SENATE BILL No. 460

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-10-2-3.

Synopsis: Undertaking for bail. Provides that an undertaking for bail expires 36 months after the date it is posted for the release of a defendant from custody if a court does not make an adjudication concerning the defendant during the 36 month period. Specifies that a surety is not liable on an undertaking that expires after this 36 month period.

Effective: July 1, 2007.

Bray, Meeks

January 11, 2007, read first time and referred to Committee on Judiciary.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 460

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-10-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) An undertaking
3 is valid if it states:

- 4 (1) the court where the defendant is to appear;
5 (2) the amount of the bail; and
6 (3) that it was made before an official legally authorized to take
7 the bond.

8 (b) A surety remains liable on an undertaking despite:

- 9 (1) any lack of the surety's qualifications as required by section 4
10 of this chapter;
11 (2) any other agreement that is expressed in the undertaking;
12 (3) any failure of the defendant to join in the undertaking; or
13 (4) any other defect of form or record, or any other irregularity,
14 except as to matters covered by subsection (a).

15 (c) Any undertaking written after August 31, 1985, ~~shall expire~~
16 **expires** thirty-six (36) months after **the date** it is posted for the release
17 of a defendant from custody **if the court does not make an**



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1 **adjudication concerning the defendant during the thirty-six (36)**
2 **month period. A surety is not liable on an undertaking that expires**
3 **under this subsection.** This section does not apply to cases in which
4 a bond has been declared to be forfeited. ~~or in which the defendant is~~
5 ~~a fugitive from the jurisdiction after thirty-six (36) months.~~

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